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October 26, 2011

Honorable Joseph C. Spero
United States District Court
Northern District of CA – San Francisco Division
450 Golden Gate Avenue
Courtroom G – 15th Floor
San Francisco, CA 94102

Re: *Garman Group, LLC v. University Pipeline, Inc., et al.*
Case No. CV 11-03733 JCS

Dear Judge Spero:

In this matter, I represent Defendant Tom Unger and hereby urge the Court to vacate the upcoming CMC date and related deadlines and hold in lieu thereof an OSC regarding why the case should not be dismissed for the reasons that follow.

The CMC Order dated July 29, 2011 contains several deadlines, many requiring joint statements from the parties and meeting and conferring with opposing counsel. Yet, Plaintiff's counsel is only admitted to practice in Nevada, as I confirmed with them around October 19, 2011, which became a problem when the matter was transferred around July 29, 2011 to this Court from the United States District Court (District of Nevada). Therefore, I cannot communicate with either Plaintiff's counsel (as they cannot practice before this Court at this time) or Plaintiff (as he is represented albeit by counsel not admitted to practice before this Court). By this letter I do not mean to suggest or call into question any conduct of Plaintiff's counsel.

Very truly yours,

/s/

Daniel A. Croley

cc: Eric R. Olsen (via email)

Dated: 10/31/11

